

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

MARTY WALSH, Secretary of Labor,
United States Department of Labor,

:

: Misc. Action No. 22-189

Petitioner,

:

v.

:

BLACK QUARRY MILLWORK LLC and
RAYMOND MCCABE, individually and as :
custodian of records,

:

Respondents.

~~PROPOSED~~ ORDER

Upon consideration of the Secretary of Labor's Petition to Enforce Administrative Subpoena *Duces Tecum*, and the parties' submissions in support and opposition thereto, and for good cause shown, it is hereby ORDERED that the Secretary's Motion is GRANTED.

It is ORDERED that within ^{thirty (30)} seven (7) days of the date of this Order, Respondents Black Quarry Millwork LLC and Raymond McCabe ("Respondents") produce to the Wage and Hour Division, White Plains District Office, 140 Grand Street, Suite 304, White Plains, New York 10601, copies of the following documents requested in the subpoena issued on April 15, 2022:

- a. All documents, including but not limited to Federal 1120 Corporate Tax Returns, which reflect the gross annual dollar volume of sales made or business done by the Company for the years 2020 and 2021;
- b. All time records, including but not limited to time sheets and/or time cards, showing hours actually worked by all current and/or former employees and independent contractors whether they are on-the-books or off-the-books, for the period of July 12, 2019 through the present;
- c. All pay records, individual earnings reports, and/or any other documents reflecting any compensation paid to any employee and/or independent contractor, including cash and/or electronic payment logs and receipts, whether handwritten or computer-generated, regardless whether such employee or independent contractor is on-the-books or off-the-books, for the period of April 1, 2022 through the present;

d. All cash and/or electronic payment logs and receipts, whether handwritten or computer-generated, regardless whether such employee or independent contractor is on-the-books or off-the-books for the period of July 12, 2019 through the present; and

e. All 1099 Forms and contract documents for any independent contractors, subcontractors, or day laborers for tax years 2019, 2020, and 2021.

No extensions.

It is further ORDERED that the running of the applicable statute of limitations is tolled from May 3, 2022, until such time as the Secretary notifies the Court that Respondents have fully complied with the Subpoena and this Order.

SO ORDERED:

Cathy Serbel

UNITED STATES DISTRICT JUDGE

DATED:

8/31/22
White Plains, New York